

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: July 21st, 2022

PUBLIC HEARING: Type III Conditional Use Permit for 1137 Three Wood Drive (28S-15W-36CC, TL 3313) – 22-060, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

ITEM NO: 6.1

Potential Motion: *"I move to (approve/deny/modify) the request for a conditional use permit to operate a Vacation Rental Dwelling at 1137 Three Wood Drive in the city of Bandon."*

SUBMITTED BY:



Dana Nichols, Planning Manager

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 22-060

LOCATION: 1137 Three Wood Drive
Map Number 28S-15W-36CC/TL 03313

PROPERTY OWNER: Rylie Hancock
APPLICANT: Rylie Hancock

REQUEST: **Conditional Use Permit** Approval to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

REVIEWING BODY: City of Bandon Planning Commission

STAFF REPORT PREPARED BY: Henry O. Hearley, Associate Planner, Lane Council of Governments

NOTICE DATE: June 28, 2022

HEARING DATE: Thursday, July 21st, 2022, at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
17.20 Controlled Development 1 Zone

I. Public Comment

Staff received one public comment in opposition from an adjacent property owner on July 11, 2022. The comment includes the addresses and signatures of approximately 23 individuals that presumably also live or own property near the subject property. The commenters cite several reasons why the Planning Commission must deny the application. Staff will summarize the comment below and provide staff's analysis, where appropriate. To read the comment in its entirety, please refer to **Attachment B**.

The commenters assert the proposed VRD does not comply with the Comprehensive Plan because the site size and dimensions do not provide adequate area for the proposed use. The commenters state the home is 664 square feet on the main floor and 600 square feet on the bedroom floor. The commenters question the proposed occupancy of nine persons based on this information.

Staff do know the total square footage of the home is 1,152 square feet, which is what's recorded on the application and on the Coos County Tax Assessor's website. From staff's understating of the floor plan of the home, there are no bedrooms located on the first floor. The first floor contains a great room, kitchen and dining room. For purposes of determining occupancy for maximum allowed guests, only

bedrooms are to be considered¹. The upper floor plan clearly shows the home contains three bedrooms. Per BMC occupancy is based on three persons per bedroom. Based on this ratio of occupants to bedrooms, the maximum allowable occupancy is nine. However, it is noted that other factors such as parking availability may be considered when determining maximum occupancy.

Staff are aware of the site's limitations with respect to the presence of wetlands and the restricted riparian area, but don't agree with the commenter that the presence of wetlands combined with the small outdoor seating area means guests will go over the fence and traverse on the sensitive areas on the property. The home has a back patio/porch that is fenced in. It is reasonable to believe the existence of a fence will deter guests from traversing on the sensitive areas as the commenter contends.

The commenters also raise concerns around traffic, parking, neighborhood compatibility, the driveway, and contend that because of the property's location on a cul-de-sac, on-street parking is limited. Next, the commenters raise an issue that staff thinks warrants denial of the application. The commenters note in Exhibit 1 that the property line between the subject property and the adjacent property bisects the driveway. This is in direct conflict with the applicant's proposed off-street parking plan and requires a signed agreement with the adjacent property owner because the driveway is under a reciprocal access easement (see **Attachment D** for reciprocal access easement). This requirement directly relates to Criterion #8 for VRDs. Staff will address this criterion later in this staff report.

II. Procedural – Required Burden of Proof

The property is located in the Controlled Development 1 Zone where Vacation Rental Dwellings are Listed as Conditional Uses (17.20.030). Because the single-family detached dwelling already exists, the Staff Report will review the criteria for conditional uses listed in Chapter 16.12 below.

Chapter 16.04 Administration & Enforcement

16.04.020 Types of Procedures and Actions.

A. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections (A) to (D) below.

3. Type III Procedure: Type III decisions are made after a public hearing, with an opportunity for appeal to the City Council. 4. Type IV Procedure: The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy. Type IV reviews are considered by the Planning Commission, which makes a recommendation to the City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

¹ Bandon Municipal Code defines a bedroom for the purposes of determining occupancy for a VRD as an enclosed sleeping area with a built-in closet. BMC 16.12.090(K)(10).

FINDING: Consistent with Chapter 16.04 and Table 16.04.020, the City is processing the requested conditional use permit as a TYPE III application. A Type III application shall be reviewed by the Planning Commission with appeals heard by the City Council. Criterion met.

16.04.070 Type III Procedure

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. Application Forms. Applications requiring Quasi-Judicial review shall be made on forms provided by the Planning Department.

2. Submittal Information. The Planning Department shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information: a. The information requested on the application form; b. Plans and exhibits required for the specific approval(s) being sought; c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail; d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and e. The required fee.

FINDING: The application contained the necessary information for staff review. The application was deemed “complete” for processing by City staff on June 27th, 2022.

B. Procedure.

1. Mailed and Posted Notice.

a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The Planning Department shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date Bandon Municipal Code, Title 16, Codified 06-03-2021 Page 9 of 60 that the notice was mailed. Notice shall be mailed to:

1) All owners of record of real property located within a minimum of 250 feet of the subject site;

2) Any person who submits a written request to receive a notice; and

3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the Planning Department shall notify the road authority if different than the City of Bandon. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

b. At least 14 days before the first hearing, the applicant or applicant's representative shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the Planning Department. The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.

c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.

FINDING: Notice was mailed to properties within 250-feet of the site on June 28, 2022. Additionally, posted notice on the city's website and posted at the site at least 14 days before the first hearing. Criterion met.

Chapter 16.12 – Conditional Uses

16.12.010 Authorization to grant or deny conditional uses

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.

FINDING: The applicant has requested to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone. This use is listed as a conditional use in the zone and the Planning Commission has the authority to review this application and determine if it may be approved, approved with conditions, or denied based on the criteria listed in the Bandon Municipal Code.

16.12.020 Authorization to impose conditions

In approving an application for a conditional use or the modification an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole. These conditions may include but are not limited to:

- A. *Changing the required lot size or yard dimensions;*
- B. *Limiting the height of the building(s);*
- C. *Controlling the location and number of vehicle access points;*
- D. *Requiring additional right-of-way areas or changing the street width;*
- E. *Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;*
- F. *Changing the number of off-street parking and loading spaces required;*
- G. *Limiting the number, size and location of signs;*

- H. *Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;*
- I. *Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;*
- J. *Limiting the hours, days, place and manner of operations;*
- K. *Limiting or setting standards for the location and intensity of outdoor lighting;*
- L. *Setting requirements on the number, size, location, height and lighting of signs;*
- M. *Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.*

FINDING: The Planning Commission may approve, approve with conditions, or deny the application. If additional conditions are needed to ensure this use fits in with the surrounding neighborhood, the Planning Commission may reference this list to impose such conditions.

16.12.040 Approval standards for conditional uses

The approval of all conditional uses shall be consistent with:

- A. *The comprehensive plan;*
- B. *The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;*
- C. *That the site size and dimensions provide adequate area for the needs of the proposed use;*
- D. *That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;*
- E. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;*
- F. *All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;*
- G. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;*
- H. *All other requirements of this title that apply.*

FINDING: The applicant’s findings do not elaborate on if the proposal is consistent with the Comprehensive Plan. Consistency with the Comprehensive Plan is a subjective approval criterion. Staff are inclined to believe that if the proposal can be approved then it is also found to be consistent with the Comprehensive Plan. There is evidence in the record rebutting the applicant’s findings in the form a comment (with accompanying Exhibits) from an adjacent property owner. The comment submitted raises concerns that relate to parking problems, traffic hazards, adverse impacts to public safety, welfare and convenience. The comment does contain reasonable evidence to support their assertions (see the Exhibits contained in the comment). Planning Commission will have to weigh the evidence in support of the application and the evidence in opposition to the proposal and determine if it is substantial. Generally substantial evidence in land use is evidence that a reasonable person would rely upon to reach a conclusion. Further, the standard of evidentiary review in land use is a preponderance of the evidence – meaning that it’s more likely than not to be true. The burden of proof in land use is on the

applicant. This burden requires the applicant to provide evidence that satisfies all of the applicable approval standards. The Planning Commission will have to determine whether or not the approval standards for a conditional use are met.

16.12.090 Standards governing conditional uses

K. Vacation Rental Dwelling. *Vacation rental dwellings (VRDs) are a conditional use in the CD-1, CD-2, and CD-3 zones, and are subject to the requirements of this chapter. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRDs are not an outright permitted use in the CD-Zones.*

All vacation rental dwellings shall comply with the following provisions:

1. *The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy;*

FINDING: The home is a detached, single-family dwelling constructed in 2002. Criterion met.

2. *Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's;*

FINDING: As seen on the Saturation Study for 1137 Three Wood Drive, there are presently nine single-family dwelling, one of which is a current vacation rental dwelling within 250-feet of the subject property. As such, this equates to a saturation rate of 11.11% (1 VRD/9 SFD = 0.1111*100 = 11.11% when rounded). Criterion met. See **Saturation Map contained in Attachment A.**

3. *In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;*

FINDING: The home is located in the CD-1 and in the Vacation Rental Dwelling Overlay.

4. *The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit;*

FINDING: Rylie Hancock is the applicant of record and property owner, as seen on the application and Coos County GIS Parcel data. The VRD Conditional Use permit is only valid for the named applicant of record. Upon change in named applicant due to sale, transfer or other reason, the Conditional Use Permit shall become null and void.

5. *Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*

FINDING: The Tsunami Evacuation Route map shall be posted in the home in a conspicuous location.

6. *No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;*

FINDING: There is evidence in the record, in the form of a public comment, from adjacent property owners that contend the proposed VRD will create objectionable traffic, traffic hazards, affect the welfare and convenience of the neighborhood. The subject property is at the end of a cul-de-sac that has a 22-foot-wide paved shared driveway with Lot 8 of the subdivision (according to commenters Exhibit 7). The property line between Lots 7 and 8 bisects the driveway and both properties operate the driveway under a reciprocal access easement. Staff do think there is adequate off-street parking in the form the area directly in front of the garage and inside the garage – those spaces can hold up to four vehicles – two in the driveway and two in the garage. None of the four vehicles would be interfering with the access in the shared driveway or require parking on the street. The commenters also cite instances of garbage/litter, but staff cannot directly tie this to the subject application and do not find it relevant to the application under consideration. Given the analysis above, staff do believe the proposed VRD would not create no more objectionable traffic, on street parking, noise, smoke, light, dust, litter or odor than a normal neighborhood dwelling. Criterion met.

7. *VRD's without private beach access shall provide written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken;*

FINDING: The subject property does not have private access or shared access to a beach. This criterion is not applicable.

8. *VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed vacation rental dwelling using the private access;*

FINDING: The home does have a joint driveway. See **Attachment B** Reciprocal Access Easement recorded on August 6, 2002, between Lots 7 and 8 of Three Wood Drive. The applicant has not submitted evidence that all other owners of property utilizing the private access agree to the proposed VRD using the private access. As such staff cannot find this criterion met and recommend Planning Commission deny the application.

9. *VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;*

FINDING: The applicant states in the written narrative that they will be contracting with a local landscaping company to maintain the yard on a weekly basis. The property owner will also be on site often to ensure signage, the exterior and interior of the home is well kept. The commenters have called into question the existence of the applicant's proposed property management contractor.

10. *There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. The name and contact information of the designated local management person shall be kept on file in the Police Department and Planning Department. The owner or management person shall be available by phone and physically able to respond to the VRD within a reasonable time period;*

FINDING: The applicant states that housekeeping and garbage removal (garbage removal also to be provided by Les's Sanitary Garbage services) will be provided by Peggy's House Cleaning Services and that Ms. Peggy Reimer will be the 24/7 designated local management person.

The commenters contend the proposed business to handle cleaning of the home and designated as the local management person is inactive with the Oregon Business Registry (see Exhibit 8), however, whether a private business has a current license with the Oregon Business Registry is not an applicable approval criterion, so staff do not see that a reason for denial.

Additionally, the business, Peggy's Cleaning Service, is not proposed as the local management person, Ms. Reimer is, independent of the business itself.

However, if Planning Commission considers the evidence contained in Exhibit 8 will more likely than not cause Criterion #10 to not be met, then there may be a case to use the evidence contained in Exhibit 8 as a reason to support denial.

11. *VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking;*

FINDING: The subject home has three bedrooms. The property can reasonably hold four off-street parking spaces; two in the driveway immediately in front of the garage and two in the garage itself. Criterion met.

12. *Evidence shall be provided ensuring that there is regular garbage removal from the premises;*

FINDING: The applicant has stated that the home is serviced by Les's Sanitary Garbage service. Criterion met.

13. *Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements;*

FINDING: The applicant agrees to comply with all reporting and accounting requirements. Criterion met.

14. *If the VRD activity ceases for a period of one year, or fails to be rented for more than 10 nights within a calendar year, as determined by the transient occupancy tax receipts and rental documentation, the VRD permit becomes null and void with no further proceedings;*

FINDING: The applicant understands and agrees to the activity requirement. Criterion met.

15. *Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed;*

FINDING: The proposed vacation dwelling contains three bedrooms; the applicant is requesting a maximum occupancy of 9 persons. An occupancy of 9 persons is consistent with the ratio of persons to bedrooms. The Planning Commission, through its review, may determine a maximum occupancy other than what is permitted by the set ratio of persons to bedrooms. Criterion met.

16. *VRD's require a conditional use permit (CUP). All criteria for a CUP must be addressed and included as part of the application materials. The applicant shall also address the surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.*

FINDING: The applicant's materials are sufficient to process the application and assess conformance with VRD requirements. The initial application did not include evidence that all other owners of the joint access driveway agree to the proposed VRD. The applicant was informed of this requirement and is attempting to obtain the agreement, but to date has not been successful. It is because of this reason staff are recommending Planning Commission deny the application.

17. *The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the Conditional Use Permit.*

FINDING: The applicants agree to provide the annual report as necessary.

18. *Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.*

FINDING: The applicant has stated that the proposed VRD has smoke detectors installed in each room and will be maintained and replaced as appropriate.

II. Recommendations

Staff recommend denial of the application for failure to meet Criterion # 8. Planning Commission, through its review, may choose additional criteria or reasons as to why denial of the application is warranted. Staff find evidence insufficient to find Criterion is met and therefore denial is warranted.

Planning Commission is not bound by staff's recommendation.

III. Attachments

Attachment A – Applicant Materials

Attachment B – Public Comment Received

Attachment C – Notice Materials

Attachment D – Reciprocal Access Easement for Lots 7 and 8 of Three Wood Subdivision

ATTACHMENT A



Conditional Use Permit Application for Vacation Rental Dwelling (VRD)

CITY OF BANDON PLANNING
P.O. BOX 67
555 HWY 101
BANDON, OR 97411
P:(541) 347-7922
F:(541)347-1415

Conditional uses (*Bandon Municipal Code; Chapter 16.12*) are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for conditional uses may be granted, granted with modifications or denied by the Planning Commission in accordance with the standards and procedures set forth in chapter 16.12 of the Bandon Municipal Code. Vacation Rental Dwellings (VRDs) are a conditional use in the CD-1 and CD-2, CD-3 and C-3 zones, and are subject to the requirements of chapter 16.12 of the Bandon Municipal Code.

Conditional Use Permit applications must be submitted to the City of Bandon at least 30 days before the next regularly scheduled Planning Commission meeting. An application will only be scheduled for a public hearing once it has been deemed complete.

I. NARRATIVE: Your written response to each of the following standards and provisions must be included with your application submission. Failure to include your written response will result in your application being deemed incomplete and may delay scheduling of the required public hearing.

Approval standards for conditional uses (BMC 16.12.040)

The approval of all conditional uses shall be consistent with:

- A. The Comprehensive Plan;
- B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit.
- C. That the site size and dimensions provide adequate area for the needs of the proposed use;
- D. That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;
- E. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;
- F. All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;
- G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- H. All other requirements of this title that apply.

All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

1. The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy;
2. Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's;

3. In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;
4. The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit;
5. Tsunami Preparedness - all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;
6. No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;
7. VRD's without private beach access shall provide written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken;
8. VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed vacation rental dwelling using the private access;
9. VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;
10. VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking;
11. Evidence shall be provided ensuring that there is regular garbage removal from the premises;
12. There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. The name and contact information of the designated local management person shall be kept on file in the Police Department and Planning Department. The owner \ or management person shall be available by phone and physically able to respond to the VRD within a reasonable time period;
13. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements;
14. If the VRD activity ceases for a period of one year, or fails to be rented for more than 10 nights within a calendar year, as determined by the transient occupancy tax receipts and rental documentation, the VRD permit becomes null and void with no further proceedings;
15. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed
16. VRD's require a conditional use permit (CUP). All criteria for a CUP must be addressed and included as part of the application materials. The applicant shall also address the surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.
17. The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the Conditional Use Permit.
18. Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

II. PROJECT INFORMATION		
Street Address: 1137 Three Wood Drive Bandon, OR 97411		
Map Number / Tax Lot(s): 03313 1	Zone: CO-1	Floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was the property previously approved as a Vacation Rental Dwelling? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		
Please describe the residence, its existing and proposed use: 1152 sqft single family dwelling in a cu-de-sac on a .25 acre lot. Previously used as a primary residence. I would like to use it as a home and a VRD.		
How many bedrooms will be provided? 3		
What is your requested occupancy? (max. of 10) 9		
How many off-street parking spaces are available? 6-8 spots Please provide a parking plan which shows the location, material, and dimensions of your proposed parking.		
Are there carbon monoxide and smoke detectors in the residence? YES <input checked="" type="checkbox"/> (please show in floor plan) NO <input type="checkbox"/>		
Does the property owner live within the city limits of Bandon? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If no, please provide contact information for the designated local management person living within Bandon city limits who will respond immediately to any emergency or complaint related to the vacation home rental.		
Manager's Name: Peggy A. Reimer	Phone Number: 541-260-4683	
Email Address: horsekrazychick@hotmail.com		
Physical Address: 47423 Hwy 101		
City: Bandon	State: OR	Zip Code: 97411
Mailing Address (if different from Physical Address):		

III. APPLICANT'S INFORMATION: (must be an individual)	
The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit.	
Applicant's Name: Rylie Hancock	Phone: 541-733-5401
	E-Mail: rylie.hancock@gmail.com
Applicant's Mailing Address: 1137 Three Wood Dr. Bandon, OR 97411	

IV. PROPERTY OWNER'S INFORMATION	
<input checked="" type="checkbox"/> Property owner and applicant information is the same.	
Property Owner's Name:	Phone:
	E-mail:
Mailing Address:	

V. CONSENT

- I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval.
- I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described herein.
- The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
- It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.
- It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.
- I authorize the individual(s) listed herein, to act as applicant, upon their consent, in regard to the attached application for the subject project described herein.
- I authorize the individual(s) listed herein, to act as representative, upon their consent, in regard to the attached application for the subject project described herein.
- I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of operation, with all conditions of approval adhered to.

X Applicant's Signature: *[Signature]* **Date:** 5/16/22

* **X Representative's Signature:** *Peggy A. Reimer* **Date:** 5/12/22

Representative's Name: *Peggy A. Reimer* **Phone Number:** 541-260-4683

Mailing Address: 47423 Hwy 101 **Email Address:** horsekrazychick@hotmail.com

Property owner's signature is required if applicant is not the property owner

X Property Owner's Signature: **Date:**

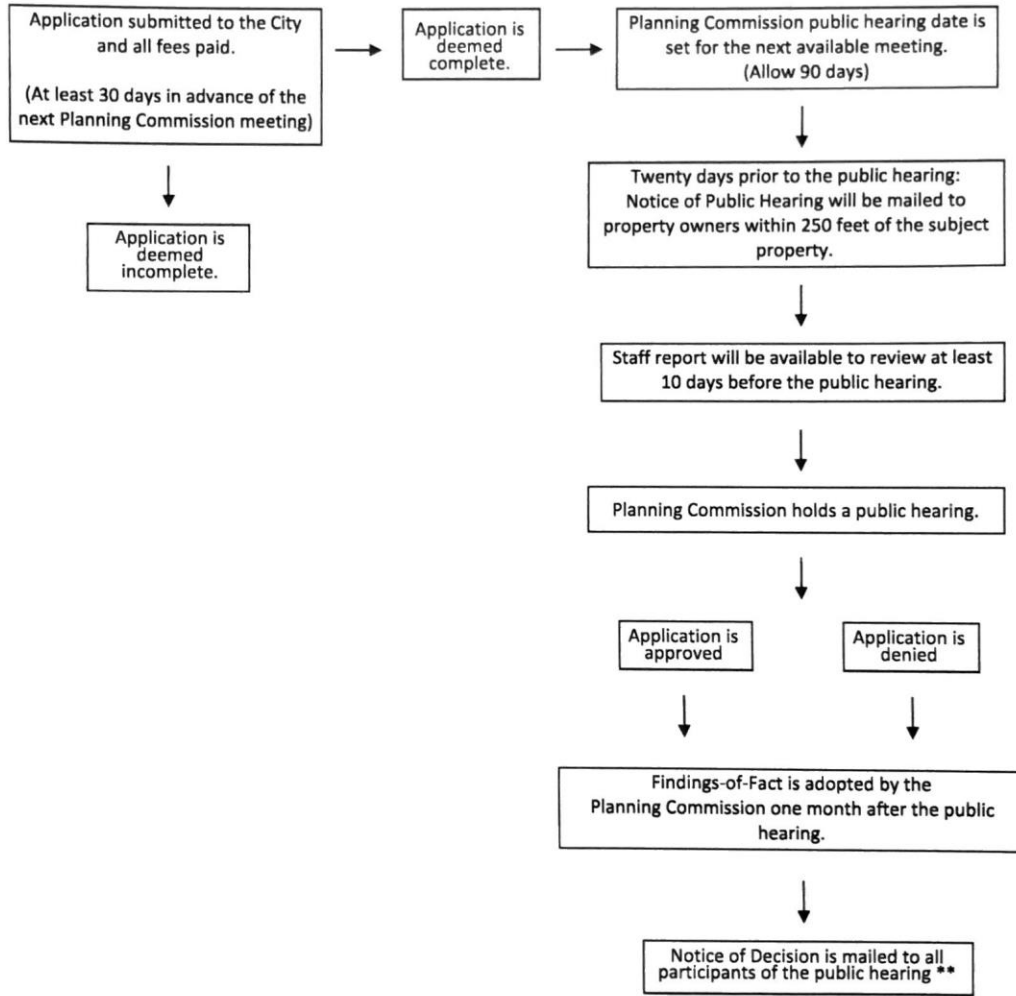
In addition to this completed form, the applicant must provide the following:

- A written narrative that addresses all approval standards and provisions.
- A site plan that includes existing and proposed landscaping, drawn to scale.
- A parking plan that includes existing and proposed off-street parking, drawn to scale.
- Floor plans showing the size, function, and arrangement of interior rooms, drawn to scale.
- Digital photographs of the subject residence's interior and exterior.
- Other information deemed necessary by the Planning Director to review the applicant's proposal.
- Payment of applicable fees, which can be found in the City's fee schedule.

**AN ELECTRONIC COPY OF THIS FORM IS ACCEPTABLE FOR THE PURPOSE OF FILING AN APPLICATION.
HOWEVER, THE ORIGINAL WILL BE REQUIRED PRIOR TO FINAL APPROVAL.**

CONDITIONAL USE PERMIT APPLICATION PROCESS

A Conditional Use Permit is a land use decision that requires a full public hearing before the Planning Commission. Any other related applications will be processed concurrently.



**** There is a ten-day appeal period that begins when the Notice of Decision is mailed. Only persons who presented testimony in writing or at the public hearing may appeal the decision of the Planning Commission.**

If you have any questions, please see chapter 17.120 of the Bandon Municipal Code, or contact the Bandon Planning Department.

VRD Narrative for 1137 Three Wood Dr, Bandon OR, 97411

Dear Planning Commission,

Please allow me to introduce myself, my name is Rylie Hancock, and I am the new owner of 1137 Three Wood Drive. I grew up in Roseburg, Oregon and the closest beach town to Roseburg is Bandon. I have been visiting Bandon with my family since I was ten years old. We have enjoyed trips to the West Coast Game Park petting the baby tigers, days exploring the downtown part of Bandon indulging in fudge, cheese, and ice cream, and many hours playing on the beach (no matter how cold the water was). For years I have told anyone visiting Oregon that Bandon is my favorite place in the whole state. It is a dream come true to own a home in Bandon and have the perfect backdrop to make more beach memories with my eleven-year-old son. I am fortunate enough to work remotely for a technology centered HR company and have the entire state as a territory. Due to covering the whole state, it is my intention to offer my Bandon home as a vacation rental when my job requires me to work in the Northern part of the state. I am excited to be a part of this community and will make sure that the home is well cared for, and the tenants are held to high standards to preserve everything I love so much about Bandon and about this neighborhood.

Thank you for your time and consideration of my application.

Sincerely,

Rylie Hancock

Detailed approval standards and provisions below:

Approval standards for conditional uses (BMC 16.12.040)

- A. Upon our review, I believe this home and this site is consistent with the comprehensive plan.
- B. This home is located within the CD-1 zone and conforms with the dimensional standards without needing any modifications to the home or grounds.
- C. The lot size is .25 acres, with a large driveway that can accommodate 6 cars if needed, plus a two-car garage. This home is 1152 square feet with 3 bedrooms, 2.5 baths, kitchen, dining area, living room, and laundry room. Maximum occupancy as a VRD would be 9 guests. Pets will not be permitted.
- D. The home has adequate space between neighboring properties. No parties or pets will be allowed. It is very important to us that we are good neighbors, and I will ensure that our renters are held to the same standard.
- E. This house is in a private location at the end of a cul-de-sac that has lots of space for parking which will make for a great place to vacation for families.
- F. The public facilities and services have adequate capacity to serve the needs of this added VRD to the community and will be available to VRD guests.
- G. I will not be altering the characteristics of the home or landscaping. The home as a VRD should have no effect or impairment, of the permitted use of the surrounding properties.

H. I believe that all other requirements of this title will apply.

All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

1. This home was built in 2002
2. Currently there is an 11.11% saturation rate around the subject property (see included saturation survey).
3. The home is in the CD-1 zone.
4. I, Rylie Hancock, am the applicant and owner of this home and understand that the conditional use permit is non-transferable.
5. The Tsunami Evacuation Route map will be posted in the home in a conspicuous location.
6. The home offers plenty of off-street parking and will not create any additional traffic, noise, smoke, litter, light, or odor from the VRD than a normal neighborhood dwelling.
7. We do not have private beach access.
8. This home does not have a joint driveway. The concrete driveway is solely on the parcel I own.
9. I will be using a local landscaping company to maintain our yard every week. Also, I will be at the house often and will make sure signage, the exterior, and interior of the house are well maintained.
10. This property can easily accommodate 6 cars with off-street parking (4 in the driveway and 2 in the garage).
11. Garbage removal by Peggy's House Cleaning Services, LLC team will be done after each guests' departure and as needed. Additionally, this home is serviced by Les's Sanitary/ garbage services.
12. Peggy Reimer will be our 24 hour/ 7 day a week manager. She will be available on a 24-hour basis and will handle all issues needed.
13. We will comply with all reporting and accounting requirements of the transient occupancy tax ordinance. All will be done in accordance with the City of Bandon requirements.
14. We understand that if the VRD fails to be rented more than 10 nights within a calendar evidenced by our transient occupancy receipts that the VRD will become null and void.
15. We are seeking to accommodate a maximum 9 guests.
16. Included and addressed in the application. Should further materials be required, I will provide any additional item needed as requested.
17. I, Rylie Hancock, will provide the annual report to the City of Bandon as required.
18. Smoke detectors are installed in each bedroom/ living room and will be maintained and replaced when needed.

After Recording Return To:
NTC - KEY WEST
ATTN: HOME POINT FINAL
DOCUMENTS
2704 ALT 19 N
PALM HARBOR, FL 34683

Coos County, Oregon **2022-04263**
\$186.00 Pgs=21 05/06/2022 03:22 PM
eRecorded by: TICOR TITLE COOS BAY
Diris D. Murphy, Coos County Clerk

Until a change is requested all tax
statements shall be sent to the
following address:

RYLIE LAUREN HANCOCK
15032 SOUTHEAST PEBBLE
BEACH DRIVE
HAPPY VALLEY, OR 97086 US

Consideration: \$495,550.00

Grantor(s):

RYLIE LAUREN HANCOCK
1137 THREE WOOD DRIVE
BANDON, OR 97411

Grantee:

HOME POINT FINANCIAL CORPORATION
2211 OLD EARHART RD #250
ANN ARBOR, MI 48105

[Space Above This Line For Recording Data]

DEED OF TRUST

Mortgage Electronic Registration Systems, Inc.
is the Nominee of Lender
PO Box 2026
Flint, MI 48501-2026

HANCOCK
Loan #: 7001785255
MIN: 100661190011957575
MERS Phone: 1-888-679-6377
PID: 1007782400

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated **MAY 4, 2022**, together with all Riders to this document.

(B) "Borrower" is **RYLIE LAUREN HANCOCK**. Borrower is the trustor under this Security Instrument.

(C) "Lender" is **HOME POINT FINANCIAL CORPORATION**. Lender is a **NEW JERSEY CORPORATION** organized and existing under the laws of **NEW JERSEY**. Lender's address is **2211 OLD EARHART RD #250, ANN ARBOR, MI 48105**. Lender is the beneficiary under this Security Instrument.

(D) "Trustee" is **QUALITY LOAN SERVICE CORPORATION OF WASHINGTON**.

(E) "MERS" is the Mortgage Electronic Registration Systems, Inc. Lender has appointed MERS as the nominee for Lender for this Loan, and attached a MERS Rider to this Security Instrument, to be executed by Borrower, which further describes the relationship between Lender and MERS, and which is incorporated into and amends and supplements this Security Instrument.

(F) "Note" means the promissory note signed by Borrower and dated **MAY 4, 2022**. The Note states that



EMERGENCY EGRESS
 • ONE SIDE OF THIS GROUP MUST BE EQUIPPED WITH EMERGENCY EGRESS ROUTES TO COMPLY WITH GOVERNING FIRE AND BUILDING CODES

DESIGN LOADS

- 1. FLOOR = 40 LBS/LIVE LOAD
- 2. ROOF = 20 LBS/LIVE LOAD
- 3. WIND = AS PER LOCAL CODE
- 4. SEISMIC = AS PER LOCAL CODE
- 5. PRESSURE = AS PER LOCAL CODE

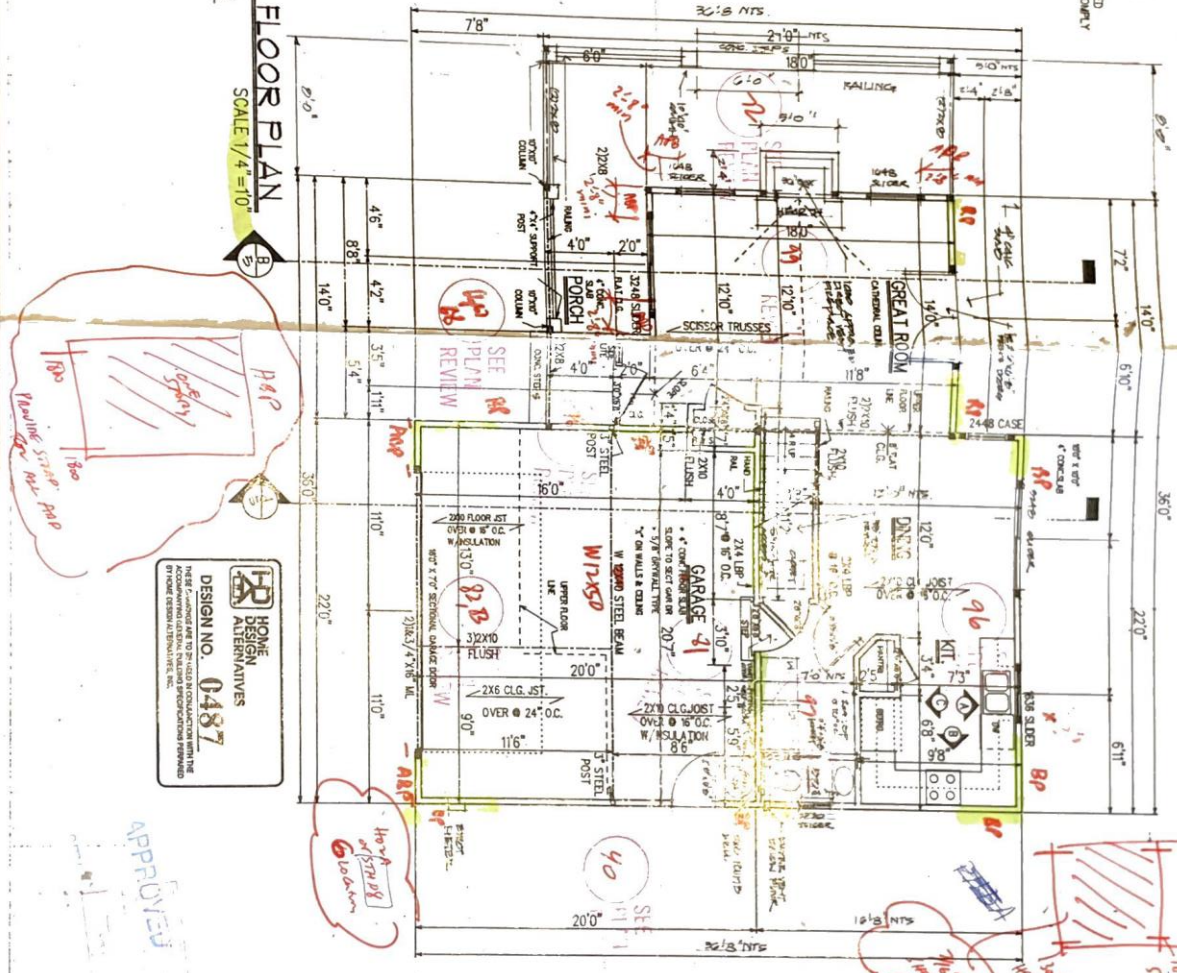
GENERAL NOTES

- 1. VERIFY LOCAL FRONT DEPTH REQUIREMENTS
- 2. ALL FOOTINGS DESIGNED FOR 2000 PSF SOIL
- 3. 6" FOUNDED CONCRETE FOUNDATION WALLS W/ #4 @ 16" CONCRETE FOOTINGS W/ (2) #5 REBARS CONTINUOUS
- 4. FILL TOP COURSE OF ALL BLOCK WALLS CONTINUOUS WITH STEEL BRACKETS
- 5. JOINTS IN BLOCK WALLS TO BE REINFORCED WITH #7 REBARS @ 48" OC AND FILL CELLS WITH 2000 PSF GROUT
- 6. FOR BLOCK WALLS WITH EARTH ONE SIDE INDICATES SOLID BEARING IN FRAME CONSTRUCTION (UNLESS NOTED OTHERWISE)
- 7. 2x4s READERS OVER ALL EXTERIOR OPENINGS UNLESS NOTED OTHERWISE
- 8. FASTENERS AND SET SPACING OF ALL ROOF AND FLOOR TRUSSES FOR NOTED DESIGN
- 9. 1x6 @ 16" O.C. BEAMS PARTITION PARTITIONS ABOVE
- 10. DOUBLE FLOOR JOISTS UNDER ALL PARALLEL PARTITIONS ABOVE
- 11. ALL ANGLED WALLS ARE @ 45 DEG UNLESS NOTED OTHERWISE

STRUCTURAL WOOD NOTES

- 1. ALL FRAMING MEMBERS SHALL BE DOUGLAS FIR OR SOUTHERN PINE GRADE NO.2 OR BETTER UNLESS NOTED
- 2. ALL PL WOOD SEALING SHALL BE 1/2" STRUCTURAL EXTERIOR GRADE GULF
- 3. JOIST HANGERS AND FRAMING CONNECTORS SHALL BE "SAPROOF" OR APPROVED EQUAL
- 4. CUTTING, NOTCHING OR DRILLING OF BEAMS OR JOISTS SHALL BE ONLY AS NOTED OR APPROVED BY THE ENGINEER
- 5. CONVENTIONAL CONSTRUCTION PROVISIONS OF FRAMEUP SHALL APPLY, INCLUDING WINDING SCHEDULES AND BRIDGING REQUIREMENTS.

MAIN FLOOR PLAN
 644 SQ. FT.
 SCALE 1/4" = 10"
 1244 TOTAL



HOME DESIGN ALTERNATIVES
 DESIGN NO. 0487
 URBAN DESIGN GROUP, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-1111

APPROVED

SHEET 2 OF 2

MAIN FLOOR PLAN

URBAN DESIGN GROUP, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-1111

HOUSE DESIGN
 KENBERG RESIDENCE, LOT #1

© COPYRIGHT URBAN DESIGN GROUP, INC.
 THESE WORKING DRAWINGS ARE PROVIDED TO MAKE THE FULL DETAILS OF THE BUILDING SHOWN AVAILABLE TO THE PURCHASER. THEY MAY ALSO BE USED AS CONSTRUCTION DOCUMENTS. ALL NOTES AND DIMENSIONS ARE SUBJECT TO CHANGE, ACCORDING TO LOCAL CODES, BUILDING REQUIREMENTS AND ON SITE CONDITIONS. ANY FORM OF REUSE, REPRODUCTION OR THIS DESIGN IN WHOLE OR IN PART IS STRICTLY PROHIBITED.

- DESIGN LOADS**
1. FLOOR - 40 LB/LF LIVE LOAD
 2. ROOF - 20 LB/LF LIVE LOAD
 3. WIND - AS PER LOCAL CODES
 4. MAXIMUM ALLOWABLE SOIL PRESSURE - 2000 PSF

EMERGENCY EGRESS

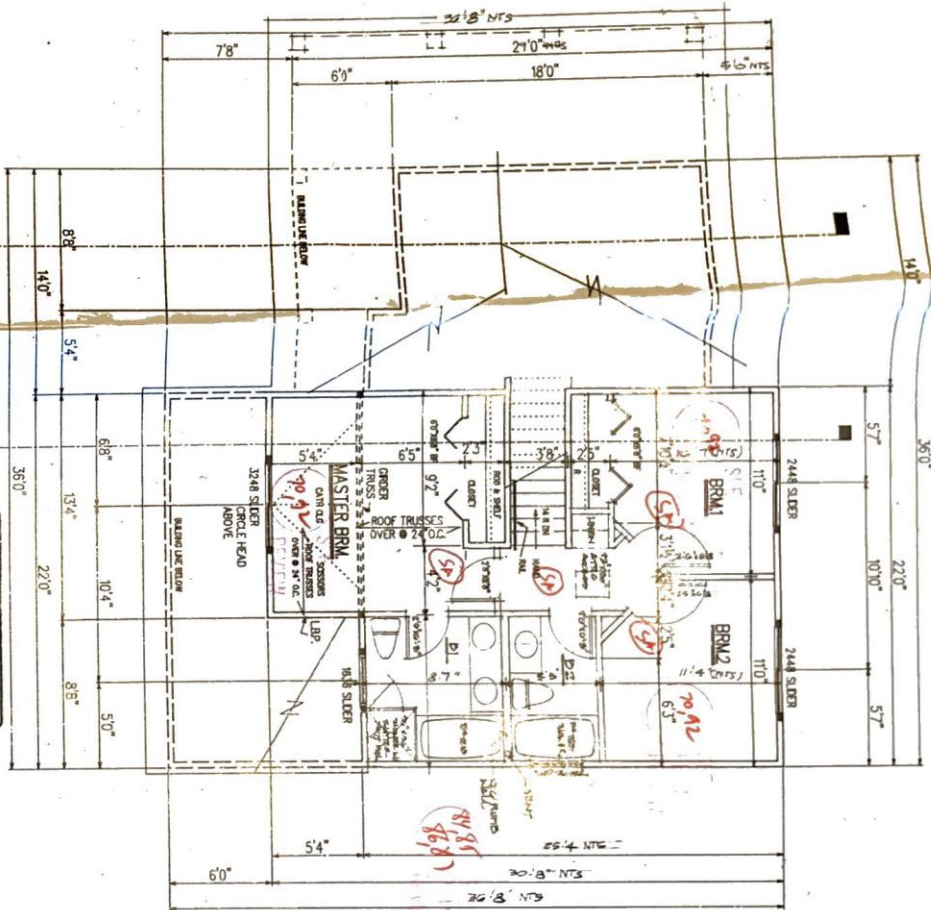
- ONE SLIGHT OF THE GROUP MUST BE EQUIPPED WITH EMERGENCY EGRESS HARDWARE TO COMPLY WITH GOVERNING FIRE AND BUILDING CODES

GENERAL NOTES

1. ALL FOOTINGS TO BE 12" DEPTH REBAR REINFORCED
2. ALL FOOTINGS TO BE 2000 PSF SOIL BEARING CAPACITY
3. FOUNDED CONCRETE FOUNDATION WALLS W/ 1/2" OF CONCRETE FOOTINGS W/ (2) #5 REBARS CONTINUOUS
4. FILL TOP CORNER OF ALL BLOCK WALLS
5. CONNECTIONS WITH TYPICAL CORNER NOT HEAD
6. FIRE BLOCK WALLS WITH EXTERIOR ONE SIDE REINFORCE WITH #7 REBARS @ 48" OC AND FILL CELLS WITH 2000 PSF GROUT
7. REBAR TO BE 60,000 PSI YIELD STRENGTH
8. REBAR TO BE 1/2" DIA UNLESS NOTED OTHERWISE
9. 2-3/8" HEADERS OVER ALL EXTERIOR OPENINGS UNLESS NOTED OTHERWISE
10. TRUSS MANUFACTURER TO SIZE MEMBERS FASTENERS AND SET SPACING OF ALL ROOF AND FLOOR TRUSSES FOR CALCULATED DESIGN LOADS
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STRUCTURAL WOOD NOTES

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UPPER FLOOR PLAN
SCALE 1/4"=1'-0"

URBAN DESIGN ALTERNATIVES
DESIGN NO. **0487**
THESE DRAWINGS ARE TO BE USED IN CONNECTION WITH THE APPROVED PERMIT APPLICATION.

APPROVED
CITY OF BANNOCK

SHEET 3 OF 4

UPPER FLOOR PLAN

URBAN DESIGN GROUP, INC.
2000 10TH AVE S
BOZEMAN, MT 59717
(406) 253-0348

HOUSE DESIGN
LENDERS RESIDENCE LOT #1

© COPYRIGHT URBAN DESIGN GROUP, INC.
THESE WORKING DRAWINGS ARE PROVIDED TO MAKE THE FULL DETAILS OF THE BUILDING KNOWN AVAILABLE TO THE PURCHASER. THEY MAY ALSO BE USED AS CONSTRUCTION DOCUMENTS. ALL NOTES AND DIMENSIONS ARE SUBJECT TO CHANGE ACCORDING TO LOCAL CODES, BUILDING REQUIREMENTS AND OR THE CONTRACTOR. ANY FORM OF DIRECT REPRODUCTION OF THIS DESIGN IN WHOLE OR IN PART IS STRICTLY PROHIBITED.

LEGAL DESCRIPTION

LOT #1, THREE WOOD SUBDIVISION TO THE CITY OF RANDON, NACED 5' OF LOT #102 OF 2000 COUNTY BOUNDARY RECORDS.

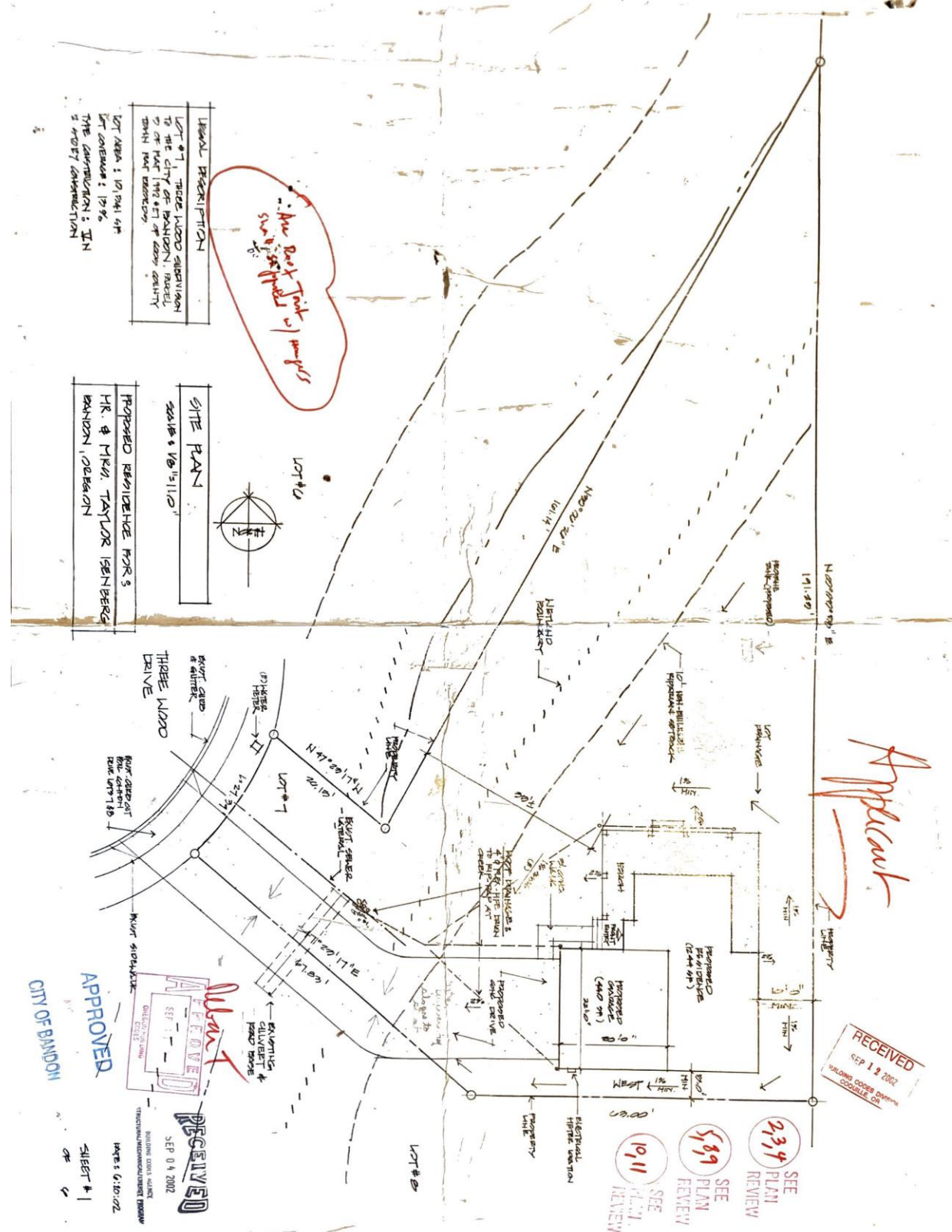
LOT AREA: 10,041 sqm
 LOT COVERAGE: 19%
 THE CONVEYANCE: IN 2' WIDE CONVEYANCE

Blue Book Text of map is same as sheet of

SITE PLAN

SCALE: 1/8" = 1'-0"

PROPOSED RESUBDIVISION FOR S HR & HWY, TAYLOR SEIBERS RANDON, OREGON



Applicant

RECEIVED
 SEP 12 2002
 WELDON COOPER ENGINEERING CONSULTANTS

SEE PLAN REVIEW 2/3/4
 SEE PLAN REVIEW 5/8/9
 SEE PLAN REVIEW 10/11

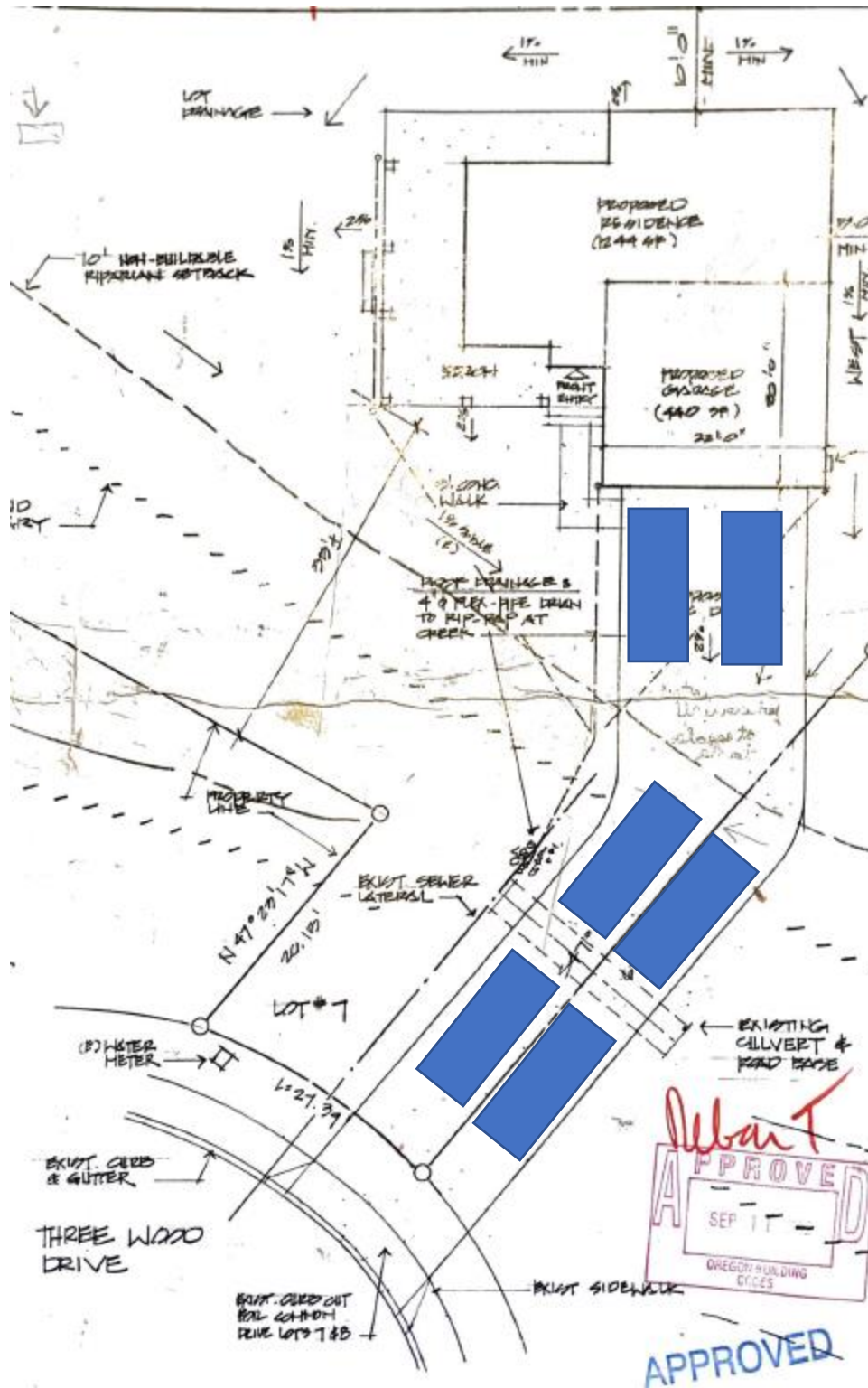
APPROVED
 CITY OF RANDON

APPROVED
 SEP 11 2002
 CITY OF RANDON

RECEIVED
 SEP 04 2002
 BUILDING CODES DEPARTMENT
 STRUCTURAL ENGINEERING DIVISION

SHEET # 1
 OF 1

ST02X0033



Two car parking garage, plus potentially 6 driveway parking spots

Saturation Study: 1137 Three Wood Drive



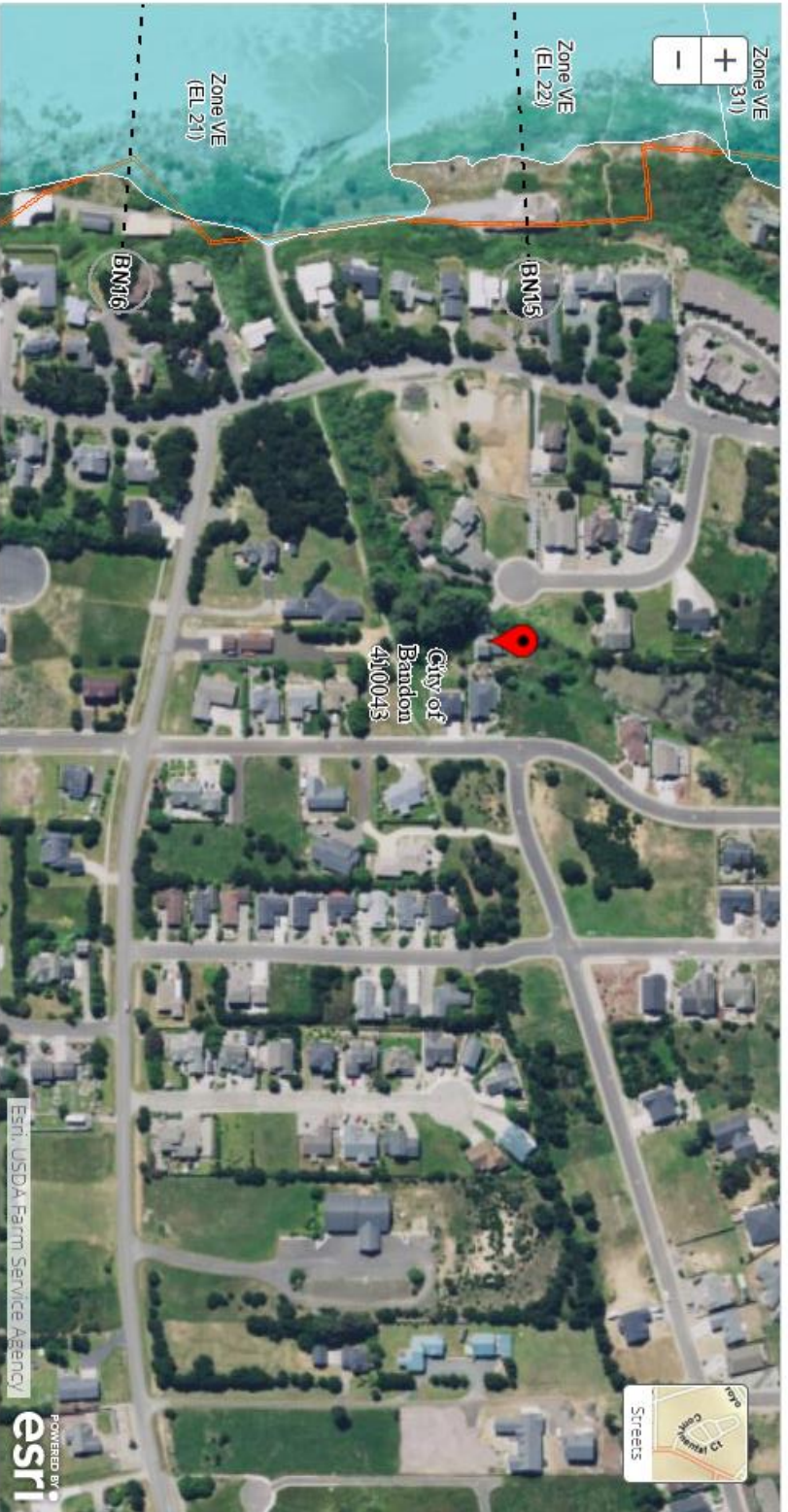
Saturation Calculation

SFDs: 9
VRDs: 1

$1 \text{ VRD} / 9 \text{ SFD} = 11.11\% \text{ Saturation}$

- Legend**
- 1137 Three Wood Drive
 - 250' Buffer
 - Current VRDS
 - Nonconforming VRDs

Map by: Eric Montes



PIN

- Approximate location based on user input and does not represent an authoritative property location

MAP PANELS

- Selected Flood/rap Boundary
- Digital Data Available
- No Digital Data Available
- Unmapped

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN**: Area of Minimal Flood Hazard Zone X
- Effective LOMRS**: Area of undetermined Flood Hazard Zone D
- Otherwise Protected Area**
- Coastal Barrier Resource System Area**

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR**
- 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X**
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X**
- Area with Flood Risk due to Levee Zone D**

GENERAL STRUCTURES

- 20.2**: Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5**: Coastal Transect
- 15.0**: Base Flood Elevation Line (BFE)
- Limit of Study**
- Jurisdiction Boundary**
- Coastal Transect Baseline**
- Profile Baseline**
- Hydrographic Feature**
- Channel, Culvert, or Storm Sewer**
- Levee, Dike, or Floodwall**

















Downstair half bathroom



Downstairs Carbon Monoxide alarm







Upstairs Full Bathroom



Bedroom #1



Bedroom #2



Master Bedroom (Bedroom #3)



Master Bedroom full bathroom



Upstairs carbon monoxide alarm



Smoke alarm in master bedroom



Smoke alarm in bedroom #1



Smoke alarm in bedroom #2



ATTACHMENT B

NOTICE OF PUBLIC HEARING CITY OF BANDON PLANNING COMMISSION

JUN 28 2022

Notice is hereby given that a Public Hearing has been set before the Planning Commission of the City of Bandon, regarding application #22-060, request for a conditional use permit to operate a Vacation Rental Dwelling on property zoned CD-1 in the City of Bandon. You have received this notice because your property is located within 250 feet of the subject property.

Property Owner:	Rylie Hancock
Applicant(s):	Rylie Hancock
Property Location:	28S-15W-36CC/ TL 03313; 1137 Three Wood Drive
Lead Staff:	Henry O. Hearley, Associate Planner, Lane Council of Governments
Meeting Date:	Thursday, July 21st, 2022, at 7:00 PM
Proposal:	Conditional use permit to operate a Vacation Rental Dwelling in the CD-1, Controlled Development Zone
Applicable Criteria List: (Bandon Municipal Code)	16.04 Administration and Enforcement 16.12 Conditional Uses 17.20 Controlled Development 1 Zone

The hearing has been set for **Thursday, July 21 at 7:00 p.m.** and will be conducted through a Zoom Webinar.

All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public and will follow requirements of the Oregon Health Authority. You may also access the meeting online using the following information:

Meeting Link: <https://us02web.zoom.us/j/2157059460>
Meeting ID: 215 705 9460

Time will be allowed for your verbal testimony at the hearing. It is recommended that testimony also be presented in written form. Testimony may be submitted in person, by mail, or may be electronically submitted to planning@cityofbandon.org. Please note the deadlines below for submitting testimony:

- **5:00 pm, July 13, 2022: Deadline for inclusion of testimony in meeting packet.**
- **5:00 pm, July 20, 2022: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 5:00 pm on July 20, 2022: Testimony must be presented verbally at the public hearing.**

City of Bandon Planning Commission
City Hall
Bandon, OR 97411

Re: Conditional Use Permit for Vacation Rental Dwelling located at 1137 Three Wood Drive

Dear Planning Commission Members,

We, the undersigned, are neighbors within 250 feet of the proposed VRD listed above. We strongly oppose the requested use as it does not comply with the Bandon Municipal Code and specifically creates parking problems and traffic hazards, and adversely affects public safety, welfare, and convenience. The following are the specific problems which represent a substantial deviation from the information provided by the applicant.

The following lettering corresponds to the code lettering.

Approval standards for conditional uses (Bandon Municipal Code; Chapter 16.12.040)

A. The property does not comply with the Comprehensive Plan as per the following:

C. "That the site size and dimensions provide adequate area for the proposed use:"

The home is 644 sq.ft. on the main floor and 600 sq. ft. on the bedroom floor. Unless they use the garage as living space, the great room cannot accommodate 9 occupants without compromising safety by placing furniture in the hallway access to the upstairs and kitchen.

D.& E. & G. The lot site size is impacted by the wetland and the restricted riparian area and has limited exterior seating areas. Please see exhibit #5 and #6 and the copy of the plat showing the wetland and riparian areas (exhibit #4). These problems are further defined in the "compliance" areas of the code.

All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

6. "No more objectionable traffic, off street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling" . Due to the placement of the home on the lot, the small cul-de-sac, and the proposed number of occupants in the limited space of the home, most of the above will be violated. 3 Wood Drive is a short, narrow curved street ending in a cul-de-sac. Unlike several of the neighboring properties where people can park on the street in front of their own property, this lot has no on street parking space. Also, with added traffic from a VRD the street would allow limited access for emergency vehicles. The city does not have the staff or money to control the VDR's. (Exhibit #9) shows an approved VRD located nearby this location. We do not want this in our neighborhood.

8. "VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed VRD using the private access." **Refer to Exhibit #1. Note that the lot line between the applicant and the neighboring property bisects the driveway. This is in direct conflict to where the applicant plans to have vehicles parked. There is no agreement with the owner of the adjoining property to allow VRD parking.** We can give further public testimony on this if needed. Also, due to the large culvert under the driveway, the dangerous drop off at the driveway edge into the wetland, and the curve of the driveway, this is a difficult driveway to negotiate.

9. "VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping," Please refer to exhibits #2 and #3. This is a pristine neighborhood. Since purchasing the property, little has been done to maintain the landscaping.

10. Since space is so limited in the great room etc., it will be natural to use the garage as the prior occupants have done, as added living space.

12. The company listed as the contact for maintenance or other problems, is shown on the State of Oregon website as "inactive". See exhibit #8.

Safety.

Our street has experienced two recent break ins as well as gas and tool thefts. Adding a VRD when we need to be vigilant, will substantially compromise our safety and feeling of well being. In addition, we have the large city owned parking lot adjoining many of our lots. It is a constant public sanitation and occasional noise problem. Again, the city doesn't have the staff to care for these or VRD problems. Let's not create another problem by licensing this VRD.

The street is only 28' wide adjoining the cul-de-sac and at the entry from Beach Loop. The cul-de-sac radius to the curb is 39'. The 50' shown on the plat map is not the actual paved street area. (See exhibit #7) Adding this VRD at the far end of our street, will create added traffic, reduce emergency vehicle access and cause safety problems due to the street configuration.

Overall, in addition to all the above, it greatly concerns us that the information provided by Ms Hancock particularly with respect to the driveway, was inaccurate. How much more of her information is inaccurate? Will they modify the garage to allow added renters? Will they really begin to maintain the property? We have many doubts.

Thank you for all your work and for reviewing our information. Without citizens like yourselves, our City would fail. Bless you.

Best,

Page 2 of 3

The owners of the affected lots:

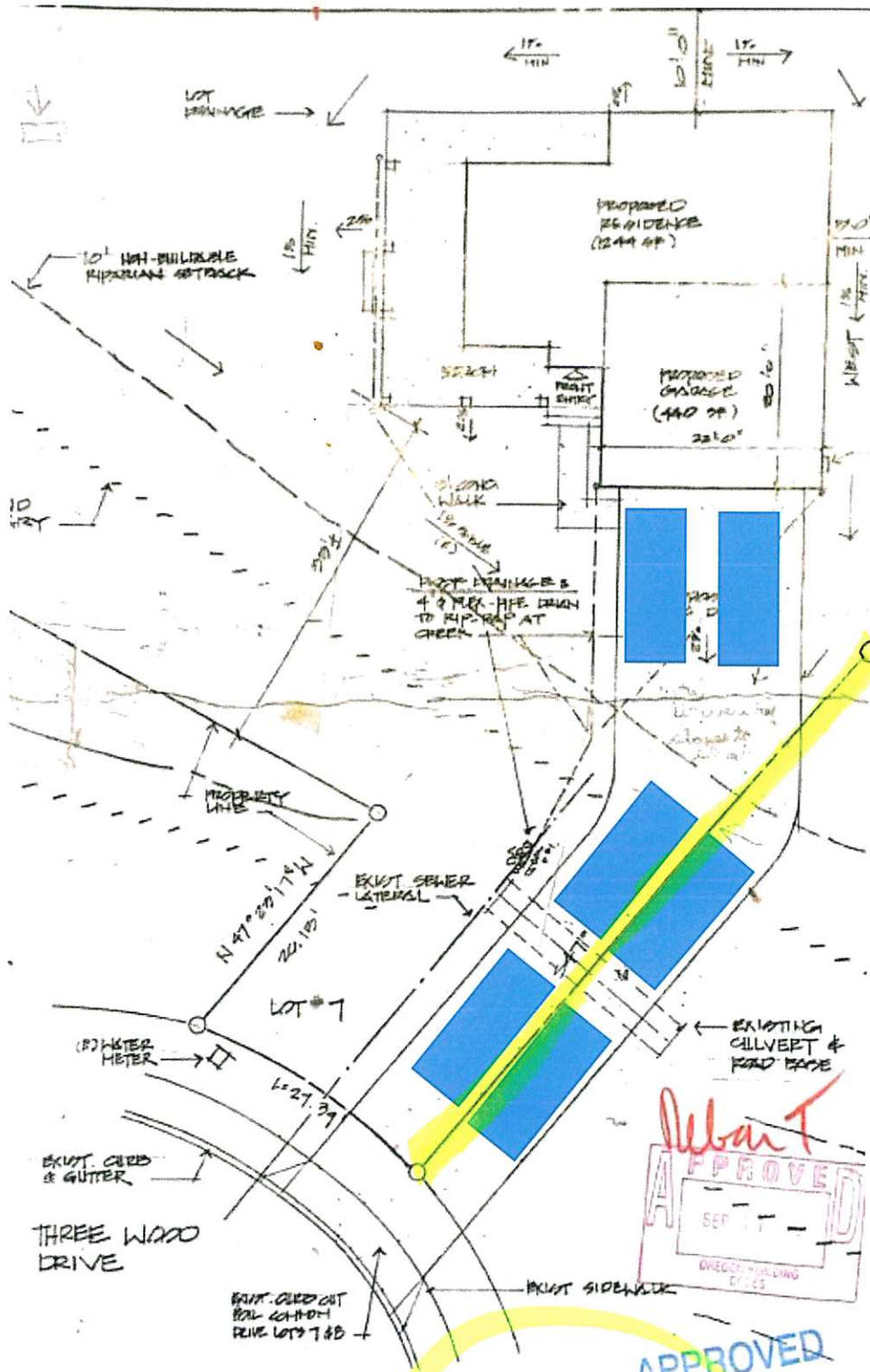
Signature

Address

Mary J. Woolley

2821 Lincoln Ave, Bandon

Beryl P. ^{Minn} 2723 Lincoln Ave Bandon
Catherine C. Mills 2832 Lincoln Ave Bandon, OR
A. Lukenen 2903 Lincoln Ave
Mary Garrett 1151 Three Wood Dr. Bandon OR
Linda Wilcox 2797 Beach Loop Bandon, OR
Debra & Rick Hukill 10612 Trophy Ct. Bakersfield, CA (LOT ON LINCOLN)
Z. J. Hall 2723 Lincoln Ave SW, Bandon
Shirley D. Bahely 1100 Three Wood Dr Bandon, OR 97411
Gethy Neely 1100 Three Wood Drive Bandon
Glenn & Tamara 1160 Three Wood Dr Bandon Oregon
Doreen K. Kahan 1160 Three Wood Dr Bandon, OR
Aunt J. Hill 1158 Three Wood Drive Bandon OR 97411
GARREN & JESSICA PEDEMONTE 1175 THREE WOOD DR, BANDON
Steve Smith 1151 THREE WOOD DR Bandon
Hinsilla 1122 THREE WOOD DR BANDON, OR
John Jules & Kim 1122 Three Wood Drive Bandon, OR
Charm Montgomery 1185 Three Wood Dr.
Glen & Gail Lot #3 Three Wood Dr Bandon OR
Sara A. Appenbach & Ted Fisher 1146 Three Wood Dr. Bandon, OR
Diana Lloyd Jones Road 2885 Beach Loop Dr. Bandon OR
Earl Jenkins Family 1195 Three Wood Dr Bandon, OR
Jennifer Womack 1158 Three Wood Drive



Property boundary

Two car parking garage, plus potentially 6 driveway parking spots

Note: Lot line up driveway.

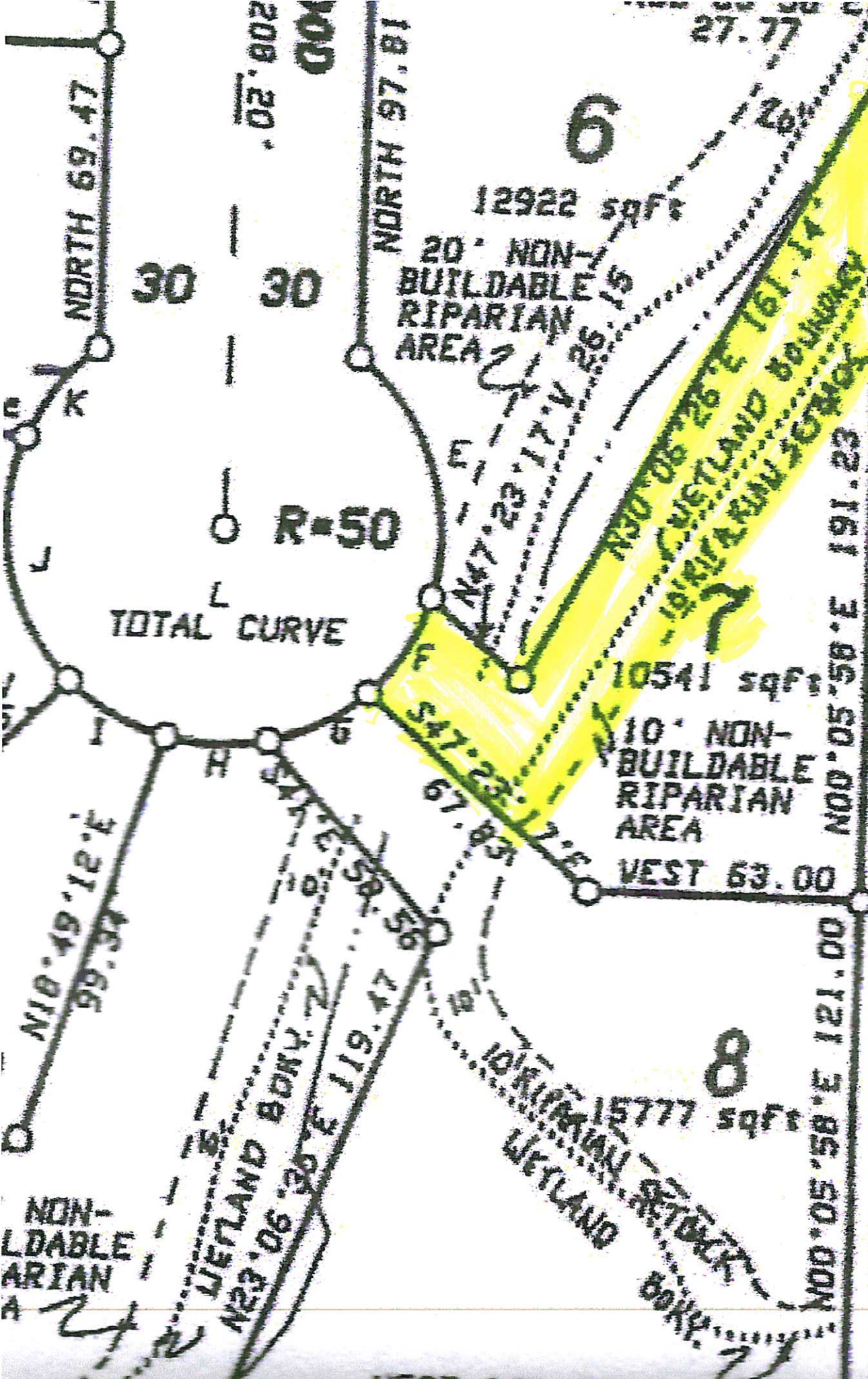
she is going to use the neighboring property to park cars

Exhibit #1



Exhibit #2





BANDON CITY LIMITS PLA
 BASIS OF BEARINGS NOO

Exhibit #4

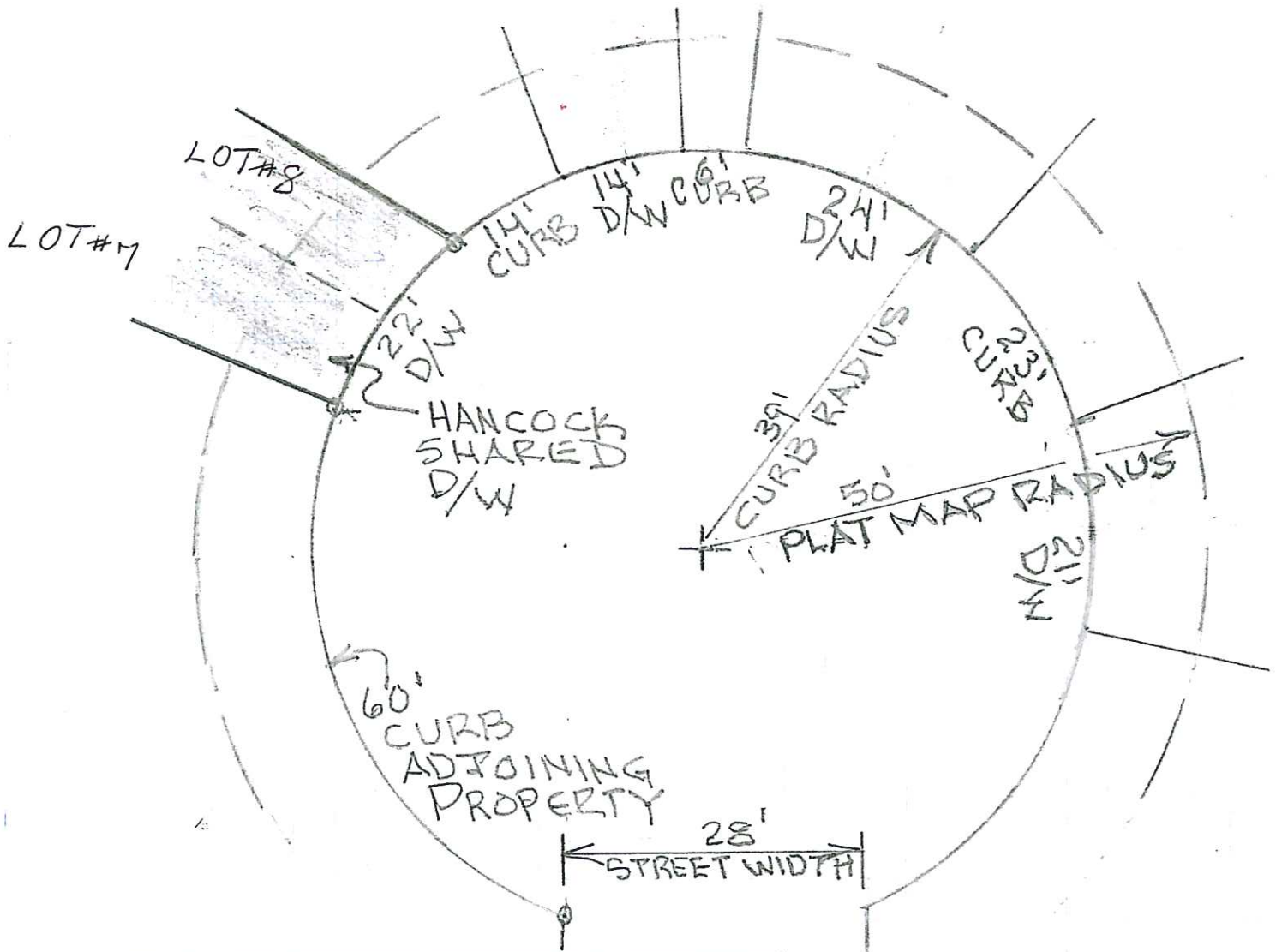
298-61-02 102 7.1



Exhibit #5



Exhibit #6



<p>D/W = DRIVEWAY SCALE: 3/64" = 1'-0"</p> <p>ON/OFF STREET PARKING</p>
<p>HANCOCK 3 WOOD DRIVE</p>

Exhibit #17

Business Registry Business Name Search

Business Entity Names returned for:

Name: Peggy's House cleaning service

Using: Exact Words in Any Word Order

For Active and Inactive businesses.

[New Search](#)

07-08-2022
12:59

Record No	Entity Type	Entity Status	Registry Number	Name Status	Name	Assoc Search
1	ABN	INA	<u>1043310-95</u>	CUR	<u>PEGGY'S HOUSE CLEANING SERVICES</u>	

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inactive

Exhibit # 8

Note: I have called this "cleaning service" 4 times & left messages. They have never returned my phone calls.



Exhibit #9



ATTACHMENT C

NOTICE OF PUBLIC HEARING

CITY OF BANDON PLANNING COMMISSION

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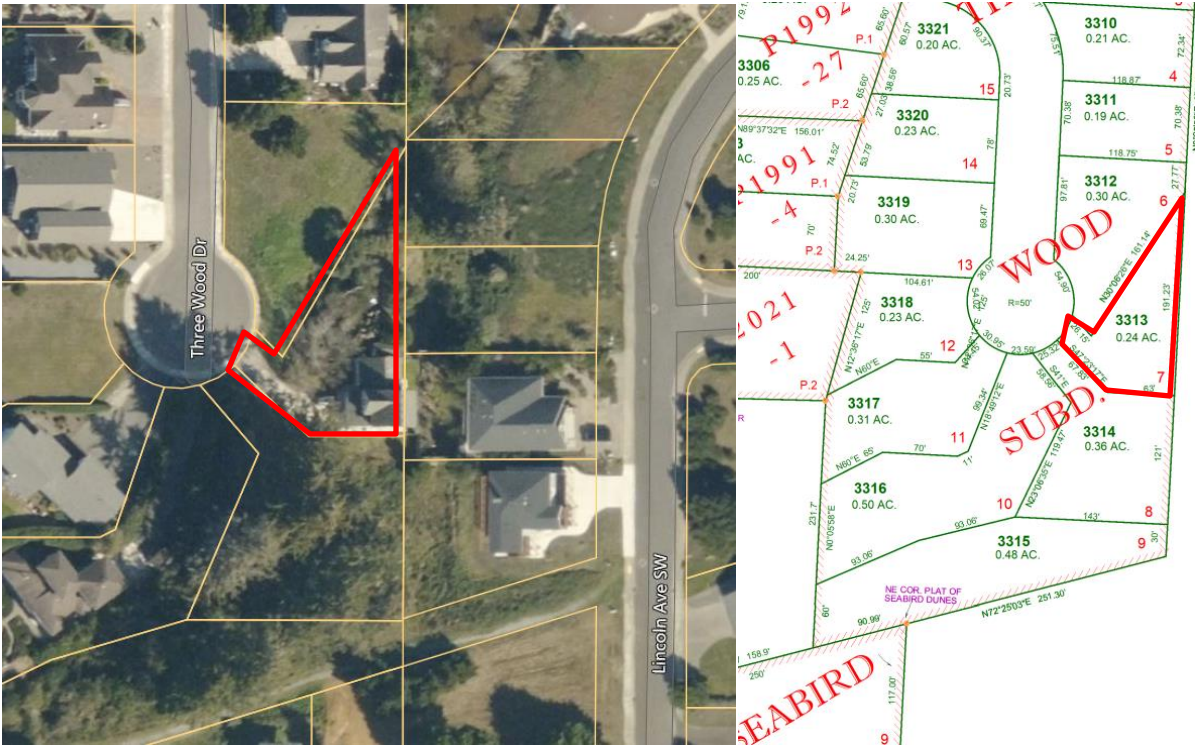
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SEE MAP 28S 15W 36C

The ordinance criteria applicable to this application is available to review in the Bandon Municipal Code, which can be found online in the Bandon Municipal Code at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria will be available for review on the City’s website www.cityofbandon.org, and will be provided at cost, if requested. A copy of the Staff Report will be available for inspection ten days prior to the hearing and will be provided at cost, if requested. All materials are available online and at the Bandon Planning Department, 555 Hwy 101, and Bandon, Oregon 97411. During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria.

If you have questions concerning this request, please contact the Planning Department
at Planning@cityofbandon.org or (541) 347-7922.

CITY OF BANDON
PO BOX 67
BANDON OR 97411

PEGAN FAMILY TRUST
2411 JOHNS PEAK RD
CENTRAL POINT OR 97502

MINN, BEVERLY P. & HALL, KENT F.
2723 LINCOLN AVE SW
BANDON OR 97411

MAZZI, MICHAEL A
PO BOX 4711
FOSTER CITY CA 94404

WOMACK LIVING TRUST
PO BOX 2073
BANDON OR 97411

LALLO, ANTHONY & MARY E.
985 WASHBURN LN
MEDFORD OR 97501

COLE, CATHERINE R
2 ALDER LN
FORTUNA CA 95540

WOOLLEY, MARY JANE ETAL
1130 BALTIMORE AVE SE STE A60
BANDON OR 97411

CATHERINE C MILLS LIVING TRUST
2832 LINCOLN AVE SW
BANDON OR 97411

TENER, JOSEPH W.
1222 DEPOT ST #2B
GLENVIEW IL 60025

TAGUCHI, ROD & JACKSON, LINDA
705 AVOCET AVE
BANDON OR 97411

WOMACK LIVING TRUST
PO BOX 2073
BANDON OR 97411

LLOYD TRUST
PO BOX 365
BANDON OR 97411

PEDEMONTE FAMILY LIVING TRUST
2108 WOODLAWN DR
MEDFORD OR 97501

CORAOR, ROBERT & SUSAN
1172 12TH ST SE
BANDON OR 97411

GARRETT, STEPHEN & MARY
1151 THREE WOOD DR
BANDON OR 97411

HUOT, MARK & ANGELA
8908 S DAYSTAR LN
SPOKANE WA 99224

HANCOCK, RYLIE LAUREN
1137 THREE WOOD DR
BANDON OR 97411

GABEL, RONALD G.
PO BOX 4
GARDINER OR 97411

NEELEY, ELIZABETH A & BLAKELY,
SHERRY D
1100 THREE WOOD DR
BANDON OR 97411

KINSELLA, JOHN & MARLENE
13017 E CHAMA RD
SCOTTSDALE AZ 85255

JOHNSON, TED & JUDITH
18228 SE BENCH RD
PRINEVILLE OR 97754

FADDAH, ZAFER ADNAN ET AL
1146 THREE WOOD DR
BANDON OR 97411

ROBINSON, FRED R & GLORIA J
1160 THREE WOOD DR
BANDON OR 97411

LUCKESEN, STEVEN A. & TAMI L.
2903 LINCOLN AVE SW
BANDON OR 97411

HUKILL, RICKEY G. & DEBRA
10612 TROPHY CT
BAKERSFIELD CA 93312

MICHAEL R & PAMELA K JENSON
TRUST
PO BOX 1375
BANDON OR 97411


HODGES, BOB L & HODGES, LONNY L
1128 SEABIRD DR SW
BANDON OR 97411

WILLIAMS, IONE R.
PO BOX 1133
CORNING CA 96021

AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS
859 Willamette Street, Suite 500
Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on **JUNE 28, 2022**, a notice of **Conditional Use Permit for a Vacation Rental Dwelling (File # 22-060 (1137 Three Wood Drive VRD CUP))** in the City of Bandon to the addresses contained herein.



Signature



Print Name

COOS COUNTY, COQUILLE TOTAL \$26.00
TERRI L. TURI, COOS COUNTY CLERK

08/06/2002 #2002-10266
02:10:24PM 1 OF 1

Send Tax Statements to:
no change

RECIPROCAL EASEMENT AGREEMENT

AFTER RECORDING
RETURN TO
KEY TITLE COMPANY
24-86336/KB

Lot 7: Lot 7 of Tree Wood Subdivision to the City of Bandon, Coos County, Oregon.
Owner of Lot 7: Taylor E. Isenberg, Jr. and Barbara J. Isenberg, as tenants by the entirety
Lot 8: Lot 8 of Tree Wood Subdivision to the City of Bandon, Coos County, Oregon.
Owner of Lot 8: Weiss Development Corporation, an Oregon corporation
Conveyance amount: \$0.00

The Owner of Lot 7 and the Owner of Lot 8 hereby grant each other a reciprocal, appurtenant, Ingress-and-egress easement of perpetual duration for that area of both properties abutting the Cul-de-Sac of Three Wood Drive and extending approximately 50 feet South 48 degrees East.

The purpose of this Reciprocal Easement Agreement is to allow both Lot 7, and Lot 8, to develop, maintain, and use a common driveway extending Southeast from the Cul-de-Sac of Three Wood Drive to and over the existing culvert and riparian setback area.

Responsibility for repairs and maintenance shall be governed by ORS 105.175.

So agreed by the Owner of Lot 7, by:

Taylor E. Isenberg, Jr. 07-24-02
Taylor E. Isenberg, Jr. Date Executed

Barbara J. Isenberg 7-24-02
Barbara J. Isenberg Date Executed

State of CA)
County of Lassen) ss.

This Reciprocal Easement Agreement was acknowledged before me this 24th day of July, 2002 by Taylor E. Isenberg, Jr. and Barbara J. Isenberg.

Jane E. Gardner
Notary Public for CA



and so agreed by the Owner of Lot 8, by:

Roger Weiss 7-30-02
Roger Weiss, President Date Executed

State of OREGON)
County of COOS) ss.

This Agreement was acknowledged before me this 30th day of July, 2002 by Roger Weiss in his capacity as President of Weiss Development Corporation.

Krys A. Bigman
Notary Public for Oregon



After recording return to: Robert S. Miller III, Esq., P. O. Box 976, Bandon, Oregon 97411